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DEPT FOR AF/W AND AF/RSA
PLS PASS TO USAID FOR AFR/W
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PARIS FOR AFRICA WATCHER

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SUBJECT: Niger: Court Validates Referendum Results, Opposition
Rejects Decision and Vows to Continue Fight

Ref: a) Niamey 584, b) Niamey 582, c) Niamey 570

¶1. Summary: On August 14, the newly-appointed Constitutional Court declared as valid the results of the August 4 referendum as announced by the Independent National Electoral Commission (CENI) on August 7 (ref B). While the president's supporters welcomed the court's decision, the opposition dismissed it as a "non-event" and vowed to fight against "President Tandja's dictatorship." End summary.

Constitutional Court Approves Referendum Results

¶2. On August 14 the Constitutional Court issued a ruling approving the results of the August 4 constitutional referendum. The court announced that 3,704,557 (92.5 percent) voted "yes" while 300,339 (07.5 percent) voted "no" - exactly the same numbers submitted by the CENI in its report of provisional results. The Court declared that it "validates and proclaims the final results of the referendum of August 4, 2009 on the draft Constitution; declares as adopted the said draft Constitution; orders notification of this ruling to the President of the Independent National Electoral Commission, and its publication in the National Register of the Republic of Niger." It is anticipated that the president will promulgate the new constitution within eight days following the Constitutional Court's validation of the referendum results.

Opposition: New Constitutional Court Illegal

¶3. On August 15, the Coordination of Forces for Democracy and the Republic (CFDR), the opposition coalition, rejected the results of the referendum and pointed out that the new constitutional court was illegitimate because it was illegally appointed to replace one that constitutionally was irremovable. Iro Sani, Communication Secretary of the Nigerien Party for Democracy and Socialism (PNDS), the main opposition party, stated that "It is a custom-made court; it only did the work for which it was created. It has only accomplished the mission assigned by Tandja, that is, to validate an illegal vote." Mahamane Hamissou, a CFDR union leader, stated on a local private radio broadcast that, "We have never recognized this court, which is Mr. Tandja's property, and its ruling validating the purported results of the referendum is a non-event...We will continue our fight against the dictatorship that Tandja wants to impose on us."

Opposition to Organize Rallies against New Constitution

¶4. The CFDR has already called for nationwide protests (ref A). According to Issoufou Sidibe, leader of the Democratic Confederation of Niger's Workers (CDTN), one of the CFDR members, the CFDR will organize public conferences on August 19 and nationwide rallies on August 20 against the new constitution adopted via an illegal referendum. During these events "the people will express their

refusal to accept the specious results of the so-called referendum...we will resist being governed by a text adopted by a minority."

GON: Constitution Court Findings "Binding for All"

15. The GON Minister of Communication and Government Spokesperson Mohamed Ben Omar stated that the decisions of the Constitutional Court "are binding for all." He warned that the government would consider as "outlaws" any opposition members who do not abide by the laws and regulations of the Republic, and would treat them accordingly. (Comment: President Tandja appointed the Constitutional Court validating the August 4 referendum in July. He had dissolved the former court because it had ruled that the referendum he requested was non-constitutional, and hence illegal. Before appointment, some of the new members publicly had supported the referendum. End comment.)

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